IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4162 OF 2006

Mr. Mohamed Shakil Shaikh .. Petitioner (Org.Plff.)

Vs.

Municipal Corporation of Greater Bombay and ors. .. Respondents (Org.Defts.)

Mr. Palan with Mr. M.K. Khatri i/by M/s. M.K. Khatri & Co. for petitioner.
Ms. Nisha A. Dabhade for BMC.

CORAM: B.H. MARLAPALLE, J.

Date : June 27, 2006.

P.C.:

1. Heard the learned counsel for the petitioner and the learned counsel for the Municipal Corporation.

2. The Application at Exh.6 filed in L.C. Suit No.2647/04 was allowed by the learned Judge of the City Civil Court on 5/4/2006 thereby granting time to correct the affidavit to be submitted by way of examination-in-chief along with other documents. On the next date i.e. 17/6/2006 instead of submitting the affidavit so corrected, the plaintiff filed another application at Exh.7 for adjournment on the very same ground for which the earlier application at

Exh.6 was allowed. By the impugned order dated 17/6/2006 the learned Judge was pleased to reject the application at Exh.7. No fault could be found with the learned Judge of the trial court in rejecting this application at Exh.7.

3. However, the learned counsel for the plaintiff now says that the affidavit correctly typed along with the documents is ready and he may ensure that the same is presented before the City Civil Court in the above mentioned suit tomorrow i.e. 28/6/2006 by 3 p.m. In case the plaintiff and/or his Advocate appears before the trial court tomorrow before 3 p.m. and submits the corrected affidavit along with the documents to it, the same shall be taken on record by levying costs quantified at Rs.3000/- and the amount of costs shall be remitted forthwith along with the application before the trial court and the said amount shall stand transferred to the account of the Maharashtra State Legal Services Authority.

4. Petition stands disposed off.

(B.H. Marlapalle,J.)